

IN THE CLAIMS

This listing of claims replaces all prior listings:

1. (Currently Amended) A positive electrode active material comprising coated particles, each coated particle having a layered structure with an inner particle having an outer surface covered at least in part by a coating layer, wherein:

 said inner particle is a first compound oxide that includes $\text{LiNi}_{0.70}\text{Mn}_{0.30}\text{O}_2$ and $\text{LiNi}_{0.70}\text{Co}_{0.30}\text{O}_2$, and said inner particle is capable of doping and undoping lithium;

 said coating layer is adhered to said outer surface is and comprises a homogenous second compound oxide having a spinel structure in the cubic system of lithium and titanium selected from the group consisting of $\text{Li}_4\text{Ti}_5\text{O}_{12}$, Li_2TiO_3 , $\text{Li}_2\text{Ti}_3\text{O}_7$ and $\text{Li}_4\text{Ti}_{4.90}\text{Mn}_{0.10}\text{O}_{12}$;

the ratio by weight of the first compound oxide to the second compound oxide is between 96:4 and 65:35, and

 said coating layer effectively suppresses decomposition of electrolyte in contact therewith and maintains the conductivity of lithium ions in the positive electrode active material.

2. (Cancelled)

3. (Cancelled)

4. (Original) The positive electrode active material according to claim 1, wherein the positive electrode active material has a mean particle diameter of 5 to 20 μm .

5. (Currently Amended) A non-aqueous electrolyte secondary battery comprising:

a negative electrode active material; and

 a positive electrode active material ~~and a negative electrode active material~~, the positive active material comprising coated particles, each coated particle having a layered structure with an inner particle having an outer surface covered at least in part by a coating layer,

wherein,[[[:]]]

 said inner particle is a first compound oxide that includes $\text{LiNi}_{0.70}\text{Mn}_{0.30}\text{O}_2$ and $\text{LiNi}_{0.70}\text{Co}_{0.30}\text{O}_2$, and said inner particle is capable of doping and undoping of lithium;

 said coating layer is adhered to said outer surface and ~~comprises~~is a second compound oxide of lithium and titanium having a spinel structure in the cubic system selected from the group consisting of $\text{Li}_4\text{Ti}_5\text{O}_{12}$, Li_2TiO_3 , $\text{Li}_2\text{Ti}_3\text{O}_7$ and $\text{Li}_4\text{Ti}_{4.90}\text{Mn}_{0.10}\text{O}_{12}$;

said inner particle compound and said coating layer compound are mixed in a 90:10 weight ratio, and

 said coating layer effectively suppresses decomposition of electrolyte in contact with the active material and maintains conductivity of lithium ions in the active material.

6. (Previously Presented) A coated particle according to claim 1, wherein said coating layer and outer surface are fused by mechanofusion.

7. (Cancelled)